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**Attorneys for Plaintiffs**

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.,	)	
	)	Case No.
Plaintiffs	)	
	)	DECLARATION IN SUPPORT OF
v.	)	PETITION FOR TEMPORARY
	)	RESTRAINING ORDER
CITY OF PORTLAND, a municipal	)	
corporation,	)	
	)	
Defendant.	)	

I, Adrian Salvatore Butera-Smith, declare as follows pursuant to 28 USC § 1746:

1. I am a Portland resident. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am 28 years old and have resided in Portland, Oregon, since 2016. I am an activist and documentarian photographer. I have documented and photographed events locally and abroad.
3. On June 2, 2020, the Portland protest started on or about 5:30 PM. I arrived at Pioneer Square and joined other protestors. I joined the protest because Black lives matter. I joined the protest in solidarity to stand shoulder to shoulder with a community who will not accept anything less than immediate action and change. I joined the protest to address, resist, and ultimately end systemic oppression of Black communities, Black communities, and people of color as a whole.
4. On June 2, 2020, I attended the protest alone. I walked from my house to Pioneer Square, arriving at approximately at 6:30 PM. I joined an existing group of

- individuals at the Pioneer Square. While there I sat and listened to members of the Black community share stories and experiences.
5. The march started and we walked out of Pioneer Square and east, towards the river. As we marched we chanted, holding our hands up or out. Some protestors were carrying signs. Protestors were peaceful. Protestors included children of all ages and older people who joined alongside others. All of the protesters I saw were marching and chanting peacefully. They were calling out George Floyd and Breonna Taylor's names. There were chants that said, "hands up don't shoot" and "no justice no peace." Some people were shouting Black lives matter. I saw beautifully illustrated images of George Floyd, Breonna Taylor, and Ahmaud Arbery. Some signs read, demilitarize the police, defund the police, and white supremacy is terrorism. The marchers walked on SW Salmon and turned onto SW Third Avenue. We arrived at the Oregon District Courthouse (Courthouse).
  6. A tall wire fence was erected as a barricade on SW Salmon and Third to prevent access to the Courthouse. Police officers were standing behind the fence and in front of Salmon Street.
  7. I remained with the protestors who stood by the fence at SW Salmon and Third. The protestors by the fence were peaceful. I stood, chanting with hands up. I took photos of the protestors and police at this location. I documented the mood and scene before me.
  8. While at the protest, I never saw anything being lodged or thrown at the police. I saw people talking to the police. I saw people chanting at the police. The protest was entirely peaceful until the police attacked us.

9. I was standing close to the barricade to document the interactions of protestors with police. Protestors had their hands up or out. They were chanting. Nothing was being thrown at the police. No one was pressing or moving the barricade. Nevertheless, the police gassed us and, to the best of my knowledge, shot us with rubber bullets.
10. At the protest I could see that most protestors were wearing masks. They were also doing their best to put distance between them. After the police gassed us, it was no longer possible to keep masks on or maintain distance with other protestors. I arrived at the protest wearing a cloth mask. Once my cloth mask was contaminated with tear gas I could no longer use it.
11. It was approximately 10:30 PM when the police gassed us. Although I was standing close to the barricade, I did not hear any warning about tear gas being deployed by the police. There were some warnings given that we should not press forward or attempt to cross or tamper with the barricade. I did not understand why they issued those statements because as far as I could see no one was pressing, tampering or attempting to breach the barricade. No one threw anything at the police. This was a peaceful protest.
12. Approximately 30 minutes after the warnings about the barricade were given, the protestors attempted to change direction and continue north on Third Avenue. Protestors attempted to back away from the barricade. I remained at the barricade with approximately 20 other protestors.
13. All of a sudden, police officers arrived, traveling towards the protestors. Some of the protestors turned away from the police cars attempting to get away. Then

without warning, tear gas was shot into the crowd behind me and gas was also fired in our direction, towards the twenty or so peaceful protestors still positioned at the fence on SW Salmon and Third.

14. Right before the gas hit me, I turned and heard a woman standing a bit further from the barricade scream in agony, “I can’t see. I can’t see.” Then the gas hit my eyes and throat. I had nowhere to go. I was afraid of going back to the barricade where the police were standing, I was afraid of charging through the dense cloud of tear gas the opposite direction. I could not get away. I was scared.
15. I, along with other protestors, pleaded with the police behind the wire barricade to let us through or safely escort us out so we could get away from the gas. I pleaded, asking, “what can we do in this situation? We are cornered in.” I received no response from the police. I was finally able to get the attention of a female officer. I pleaded with her, “there are people in pain.” The female police officer said, “if you want to go, you go that way” pointing to the dense cloud of tear gas across from her.
16. I noticed police seemed indifferent to the tear gas and its effects on protestors. This female officer was not struggling to breathe like protestors. I believe she was masked.
17. I had no choice but to walk towards the cloud of tear gas. A few individuals came to the aid of the young woman and me, washing our faces with a solution to limit the effects of the gas. I had to remove my cloth mask to have my face soaked with the solution.
18. The gas started to spread. There was nowhere to go. Police ignored mine and other

protestors' requests for assistance and aid.

19. Once the gas hit me, my eyes and the surrounding area started burning. I couldn't see. The pain was excruciating. My throat tightened up and I could not draw full breaths into my lungs. My lips were burning. I knew my only option was to wait it out. The pain lasted for roughly 15 minutes. The discomfort in my eyes, nose, and throat remained until late in the evening when I got home. My breathing was shallow. My lungs felt burnt or scorched on the inside. While at home I still could not draw full breaths into my lungs. At some point I covered my nose and mouth with my bandana because my cloth mask was saturated in tear gas and no longer usable. I left the protest at approximately 10:45 PM.

20. The next morning, I woke up and discovered a raised and red blotch on my lip that was still irritated.

21. While being gassed, I was afraid for my safety and the safety of other protestors. The ease by which the police engaged in violence against peaceful protestors, children, and elderly folks is frightening to me. The indiscriminate and inhumane way that the police shot tear gas into a peaceful crowd without provocation makes me feel unsafe. I am terrified of this militarized police and the amount of force they use against people without justification or warning.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 5, 2020.

DocuSigned by:  
  
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Adrian Salvatore Butera-Smith